

PATENT
APPLICATION 10/676,485
ATTORNEY DOCKET 1014-041

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REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application in light of the foregoing amendments and the following remarks.

The specification has been amended to correct matters of form and one or more typographical errors. It is respectfully submitted that no new matter has been introduced.

Each of claims 1-4, 9, 11-13, 15-18, and 20-22 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-22 are now pending in this application. Each of claims 1 and 12 are in independent form.

I. The Objections to the Specification

The specification was objected to because "applications 09/466,631 and 09/294,525 have issued as patents, the specification, on page 1, should additionally indicate the corresponding patent numbers." This objection is traversed as moot in view of the amendments to the specification submitted herewith. Accordingly, a reconsideration and withdrawal of this objection is respectfully requested.

II. The Claim Objections

Claim 3 was objected to because "Claim 3 includes the term 'fag' which examiner believes was intended to be 'flag'." This objection is traversed as moot in view of the

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amendments to claim 3 submitted herewith. Accordingly, a reconsideration and withdrawal of this objection is respectfully requested.

III. The Antecedent Basis Rejections

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as lacking sufficient antecedent basis for the limitation "identifying the missing data packets" in line 2. Applicant respectfully traverses this rejection. Applicant respectfully submits that claim 4 as originally submitted fully met the requirements of 35 U.S.C. 112. In order to expedite prosecution, claim 4 has been amended thereby rendering the rejection of claim 4 moot. Therefore, reconsideration of these rejections is respectfully requested.

IV. The Obviousness-Type Double Patenting Rejections

Each of claims 1-3, 5, 7, 12-14, 16 and 18 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,651,103 in view of U.S. Patent 6,651,103 ("Guo"). These rejections are respectfully traversed as moot in light of the herewith submitted "Terminal Disclaimer to Obviate a Double Patenting Rejection".

It is believed that with this Terminal Disclaimer, all claims in this application are in condition for allowance, prompt notice of which is respectfully solicited.

V. The Anticipation Rejections

Each of claims 1, 2, 8, 12, 13, and 19 was rejected as anticipated under 35 U.S.C. 102(b). In support of the rejection, various portions of U.S. Patent 6,651,103 ("Guo") were applied. These rejections are respectfully traversed as moot in light of the present claim amendments.

As stated, *supra*, each of independent claims 1 and 12, from one of which each of claims 2, 8, 13, and 19 depends, states, *inter alia*, yet none of the applied portions of the relied upon references teach, "the copy automatically requested responsive to a user request for the media information, the user request for a first version of the media information associated with a first bandwidth, the copy a second version of the media information associated with a second bandwidth".

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In addition, each of independent claims 1 and 12, from one of which each of claims 2, 8, 13, and 19 depends, states, *inter alia*, yet none of the applied portions of the relied upon references teach, "the request responsive to an automatic determination that network congestion is below a predetermined threshold".

For at least these reasons, a reconsideration and withdrawal of the rejections of each of claims 1, 2, 8, 12, 13, and 19 is respectfully requested.

VI. The Obviousness Rejections

Each of claims 3-7, 9-11, 14-18, and 20-22 was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of U.S. Patent 6,651,103 ("Guo"), U.S. Patent No. 6,031,818 ("Lo"), U.S. Patent No. 5,826,198 ("Bergins"), and/or U.S. Patent No. 6,463,509 ("Teoman"). Each of these rejections is respectfully traversed as moot in light of the present claim amendments.

As stated, *supra*, each of independent claims 1 and 12, from one of which each of claims 3-7, 9-11, 14-18, and 20-22 depends, states, *inter alia*, yet none of the applied portions of the relied upon references teach, "the copy automatically requested responsive to a user request for the media information, the user request for a first version of the media information associated with a first bandwidth, the copy a second version of the media information associated with a second bandwidth".

In addition, each of independent claims 1 and 12, from one of which each of claims 3-7, 9-11, 14-18, and 20-22 depends, states, *inter alia*, yet none of the applied portions of the relied upon references teach, "the request responsive to an automatic determination that network congestion is below a predetermined threshold".

For at least these reasons, a reconsideration and withdrawal of the rejections of each of claims 3-7, 9-11, 14-18, and 20-22 is respectfully requested.

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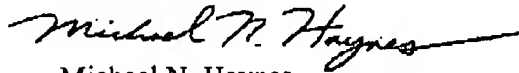
CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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Date: 01 May 2007

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